

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

THE CITY OF NEW YORK

Plaintiff,
v.

OLD DOMINION TOBACCO COMPANY,
INCORPORATED d/b/a ATLANTIC
DOMINION DISTRIBUTORS,

Defendant.

Case No. 1:20-cv-05965

**AFFIRMATION OF AVI SCHICK
IN SUPPORT OF MOTION TO
DISMISS**

I, Avi Schick, an attorney duly admitted to practice law before the courts of the State of New York, affirms the following to be true under the penalties of perjury.

1. I am a partner with the law firm Troutman Pepper Hamilton Sanders LLP, attorneys for Defendant Old Dominion Tobacco Company, Inc. d/b/a Atlantic Dominion Distributors (“Atlantic Dominion”) in this matter.

2. I submit this affirmation in support of Atlantic Dominion’s motion to dismiss the Complaint filed by Plaintiff the City of New York (the “City”).

3. Attached hereto as Exhibit A is a true and correct copy of the Complaint the City filed in the matter captioned *City of New York v. Cigarettes Unlimited, L.C., et al* (1:19-cv-03998) (the “*Cigarettes Unlimited* case”) on July 11, 2019.

4. Attached hereto as Exhibit B is a true and correct copy of the motion to dismiss that Defendants Cigarettes Unlimited, L.C. (“Cigarettes Unlimited”), John and Anita Lash, Stephen and Mary Riley, Shana Biller, Margaret Clark, Candice Fox, Monique Pearson, Julius Peters-Brandon, Joanna Petties, Paula Sloan, Derrick Whiting, Jessica Whitehead, and Elizabeth

Windham (collectively, the “Cigarettes Unlimited Defendants”) filed in the *Cigarettes Unlimited* case on October 14, 2019.

5. Attached hereto as Exhibit C are true and correct copies of the filings noting the existence of a settlement with the Cigarettes Unlimited Defendants in the *Cigarettes Unlimited* case. During a telephone call, counsel for the City confirmed to the undersigned that the settlement amount had been less than \$200,000 in total.

6. Attached hereto as Exhibit D are true and correct copies of the filings noting the existence of a settlement with the remaining defendants in the *Cigarettes Unlimited* case.

7. Attached hereto as Exhibit E is a true and correct copy of the unpublished decision from Judge Engelmayer filed as Document 69 in the matter captioned *City of N.Y. v. Hatu*, No. 18-CV-848, on September 24, 2018.

Dated: New York, New York
July 1, 2021

TROUTMAN PEPPER
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